

## CHAPTER 232

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**GOVERNMENT - STATE**


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**HOUSE BILL 19-1248**

BY REPRESENTATIVE(S) Weissman and Cutter, Arndt, Froelich, Galindo, Gonzales-Gutierrez, Kennedy, Michaelson Jenet, Roberts, Sandridge, Singer, Sirota, Snyder, Buckner, Caraveo, Hooton, Kipp, Lontine, Tipper, Titone, Becker; also SENATOR(S) Foote, Bridges, Court, Donovan, Fenberg, Gonzales, Rodriguez, Todd, Garcia.

**AN ACT**

**CONCERNING MEASURES TO PROMOTE TRANSPARENCY ABOUT THE ACTIVITIES OF PERSONS LOBBYING STATE GOVERNMENT OFFICIALS, AND, IN CONNECTION THEREWITH, MAKING AN APPROPRIATION.**

*Be it enacted by the General Assembly of the State of Colorado:*

**SECTION 1. Short title.** This short title of this act is the "Lobbyist Transparency Act".

**SECTION 2.** In Colorado Revised Statutes, 24-6-301, **amend** (1) as follows:

**24-6-301. Definitions - legislative declaration.** As used in this part 3, unless the context otherwise requires:

(1) "Client" means the person who employs OR RETAINS the professional services of ~~a lobbyist~~ ONE OR MORE LOBBYISTS TO UNDERTAKE LOBBYING ON BEHALF OF THAT PERSON. For the purposes of this part 3, a professional lobbyist is not a client of another lobbyist for whom he or she undertakes lobbying on a subcontract basis nor is the professional lobbyist a client of EITHER a lobbying firm OR ANY OTHER PERSON THAT EMPLOYS OR RETAINS ONE OR MORE PROFESSIONAL LOBBYISTS TO UNDERTAKE LOBBYING ON BEHALF OF ONE OR MORE CLIENTS. Where the client is an organization or entity, nothing in this subsection (1) requires the organization or entity to provide the names of any of its shareholders, investors, business partners, coalition partners, members, donors, or supporters, as applicable.

**SECTION 3.** In Colorado Revised Statutes, 24-6-302, **amend** (6)(a) and (8); and **add** (6.5) and (9) as follows:

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*Capital letters or bold & italic numbers indicate new material added to existing law; dashes through words or numbers indicate deletions from existing law and such material is not part of the act.*

**24-6-302. Disclosure statements - required - definition.** (6) (a) During the period that the general assembly is not in REGULAR OR SPECIAL session, a professional lobbyist shall notify the secretary of state in writing within five ~~working~~ BUSINESS days after an oral or written agreement to engage in lobbying for any person OR CLIENT not disclosed in the registration statement filed pursuant to section 24-6-303 (1). During the period that the general assembly is in REGULAR OR SPECIAL session, a professional lobbyist shall notify the secretary of state after an agreement to engage in lobbying for any person OR CLIENT not disclosed in the registration statement filed pursuant to section 24-6-303 (1), either by means of the electronic filing system created in section 24-6-303 (6.3) or by facsimile transmission in accordance with the following:

(I) In the case of a written agreement to engage the lobbyist, disclosure shall be made within twenty-four hours after the date of the agreement; and

(II) In the case of an oral agreement to engage the lobbyist, the disclosure shall be made within twenty-four hours after the date of a subsequent written agreement between the parties, the commencing of lobbying activities, or the date the lobbyist receives any payment on the agreement, whichever occurs first.

(6.5) (a) IN ADDITION TO ANY OTHER DISCLOSURE REQUIRED BY THIS PART 3, DURING THE PERIOD THAT THE GENERAL ASSEMBLY IS IN REGULAR OR SPECIAL SESSION, A PROFESSIONAL LOBBYIST SHALL NOTIFY THE SECRETARY OF STATE BY MEANS OF THE ELECTRONIC FILING SYSTEM CREATED IN SECTION 24-6-303 (6.3) WITHIN SEVENTY-TWO HOURS AFTER:

(I) THE LOBBYIST AGREES TO UNDERTAKE LOBBYING IN CONNECTION WITH NEW LEGISLATION, STANDARDS, RULES, OR RATES FOR EITHER A NEW OR EXISTING CLIENT OF THE LOBBYIST; OR

(II) THE LOBBYIST TAKES A NEW POSITION ON A NEW OR EXISTING BILL FOR A NEW OR EXISTING CLIENT OF THE LOBBYIST.

(b) DURING THE PERIOD THAT THE GENERAL ASSEMBLY IS IN REGULAR OR SPECIAL SESSION, WHERE THE LOBBYIST AGREES TO UNDERTAKE LOBBYING IN CONNECTION WITH NEW OR EXISTING LEGISLATION FOR EITHER A NEW OR EXISTING CLIENT, THE DISCLOSURE REQUIRED BY SUBSECTION (6.5)(a) OF THIS SECTION INCLUDES THE BILL NUMBER OF THE LEGISLATION AT ISSUE AND WHETHER THE LOBBYIST'S CLIENT IS SUPPORTING, OPPOSING, AMENDING, OR MONITORING THE LEGISLATION AT THE TIME THE LOBBYIST AGREES TO UNDERTAKE LOBBYING IN CONNECTION WITH THE LEGISLATION OR TAKES A NEW POSITION.

(8) Notwithstanding any other provision of this part 3, an attorney who is REGISTERED AS a professional lobbyist is required to disclose information about the clients for whom he or she lobbies in accordance with this part 3 to the same extent as a professional lobbyist who is not an attorney. AN ATTORNEY WHO IS REGISTERED AS A PROFESSIONAL LOBBYIST MAY NOT DECLINE TO DISCLOSE HIS OR HER LOBBYING AS SUCH LOBBYING IS REQUIRED TO BE DISCLOSED IN ACCORDANCE WITH THIS PART 3 ON THE GROUNDS THAT THE LOBBYING IS PROTECTED AGAINST DISCLOSURE AS CONFIDENTIAL MATTERS BETWEEN AN ATTORNEY AND A CLIENT.

(9) NOTWITHSTANDING ANY OTHER PROVISION OF THIS PART 3, IN CONNECTION WITH ANY REQUIREMENT TO DISCLOSE THE IDENTITY OF A CLIENT IN THIS SECTION OR SECTION 24-6-303, "CLIENT" MEANS, IN ACCORDANCE WITH SECTION 24-6-301 (1), THE NAME OF THE PERSON WHO EMPLOYS OR RETAINS THE PROFESSIONAL SERVICES OF A LOBBYIST, A LOBBYING FIRM, OR ANY OTHER PERSON OR ENTITY TO UNDERTAKE LOBBYING ON ITS BEHALF. IN CONNECTION WITH ANY REQUIREMENT IN THIS SECTION OR SECTION 24-6-303 TO DISCLOSE THE IDENTITY OF A CLIENT, A PROFESSIONAL LOBBYIST WHO IS A NATURAL PERSON AND WHO IS EMPLOYED OR RETAINED BY A LOBBYING FIRM OR ANY OTHER FIRM OR ENTITY MAY DISCLOSE THE NAME OF THE LOBBYING FIRM OR OTHER PERSON OR ENTITY BY MEANS OF WHICH, OR UNDER THE NAME OF WHICH, A PROFESSIONAL LOBBYIST DOES BUSINESS, BUT TO SATISFY SUCH DISCLOSURE REQUIREMENT THE LOBBYIST SHALL ALSO DISCLOSE THE NAME OF THE CLIENT WHO EMPLOYS OR RETAINS THE PROFESSIONAL SERVICES OF THE LOBBYIST, OR A LOBBYING FIRM OR ANY OTHER PERSON OR ENTITY THAT EMPLOYS OR RETAINS THE LOBBYIST, TO UNDERTAKE LOBBYING ON ITS BEHALF.

**SECTION 4.** In Colorado Revised Statutes, 24-6-303, **add** (7) as follows:

**24-6-303. Registration as professional lobbyist - filing of disclosure statements - certificate of registration - legislative declaration - repeal.**

(7) (a) NOT LATER THAN JULY 1, 2019, THE SECRETARY OF STATE, REFERRED TO IN THIS SUBSECTION (7) AS THE "SECRETARY", SHALL CONVENE A WORKING GROUP TO CONSIDER UPGRADES TO THE ELECTRONIC FILING SYSTEM REQUIRED BY SUBSECTION (6.3) OF THIS SECTION. THE WORKING GROUP SHALL CONSIDER WAYS TO IMPROVE THE USE OF THE SYSTEM BY MEMBERS OF THE PUBLIC AND BY INDIVIDUALS COVERED BY THIS PART 3 AS WELL AS WAYS TO INCREASE OVERALL TRANSPARENCY AND THE EASE OF THE USE OF DATA REPORTED INTO THE ELECTRONIC FILING SYSTEM. THE WORKING GROUP MUST MEET AT LEAST ONCE PRIOR TO DECEMBER 31, 2019, AND MAY MEET AS OFTEN AS THE SECRETARY DEEMS NECESSARY TO ACHIEVE THE PURPOSES OF THIS SUBSECTION (7). THE WORKING GROUP SHALL INCLUDE REPRESENTATIVES OF ORGANIZATIONS THAT ADVOCATE FOR GOVERNMENT TRANSPARENCY AND INDIVIDUALS REQUIRED TO REGISTER AND MAKE DISCLOSURE UNDER THIS PART 3. THE SECRETARY MAY PROMULGATE RULES TO GOVERN THE WORKING GROUP ESTABLISHED BY THIS SUBSECTION (7)(a).

(b) THE SECRETARY SHALL REPORT THE CONCLUSIONS OF THE WORKING GROUP AS PART OF THE PRESENTATION OF THE DEPARTMENT OF STATE TO ITS COMMITTEE OF REFERENCE AT A HEARING HELD PURSUANT TO SECTION 2-7-203 (2)(a) OF THE "STATE MEASUREMENT FOR ACCOUNTABLE, RESPONSIVE, AND TRANSPARENT (SMART) GOVERNMENT ACT".

(c) THIS SUBSECTION (7) IS REPEALED, EFFECTIVE MARCH 1, 2020.

**SECTION 5. Appropriation.** For the 2019-20 state fiscal year, \$38,160 is appropriated to the department of state for use by the information technology division. This appropriation is from the department of state cash fund created in section 24-21-104 (3)(b), C.R.S. To implement this act, the division may use this appropriation for personal services.

**SECTION 6. Effective date - applicability.** (1) This act takes effect upon passage; except that section 24-6-302 (6.5), Colorado Revised Statutes, as enacted

in section 2 of this act, takes effect January 1, 2020.

(2) This act applies to the required disclosure of information on or after the applicable effective date of this act.

**SECTION 7. Safety clause.** The general assembly hereby finds, determines, and declares that this act is necessary for the immediate preservation of the public peace, health, and safety.

Approved: May 20, 2019